

October 14, 2005

Karen,

Here are my comments on the preliminary draft permit.

Brett Sheffield, P.E.  
Surface Water Engineer  
City of Yakima  
(509) 576-6797

## **Comments on NPDES Phase II Preliminary Draft Permit**

1. Line 16, page 6: *This permit authorizes discharges from fire fighting activities, except training exercises...*  
40 CFR 122.26(b)(2) states that "Illicit discharge means any discharge to an MS4 that is not composed entirely of stormwater except discharges pursuant to a NPDES permit and discharges resulting from fire fighting activities." I submit that training exercises are fire fighting activities .
2. Line 19, page 6: *This permit does not authorize illicit discharges except as allowed in Special Condition S7.D.4...*  
There is no section S7.D.4
3. Line 9, page 7: *In order to meet the goals of the Clean Water Act and make progress towards compliance with applicable surface water, ground water and sediment management standards, for all existing stormwater discharges each Permittee is required to reduce the discharge of pollutants to the maximum extent practicable. To meet the requirement to reduce the discharge of pollutants to the maximum extent practicable, each Permittee shall comply with the requirements of this permit.*  
Rewrite this paragraph as follows: "For existing stormwater discharges to meet the goals of the Clean Water Act, each Permittee must have, or be developing, a stormwater management plan that includes the requirements of S5.B."
4. Line 27, page 8: *The stormwater management program must be developed and implemented in accordance with the schedules contained in this section and shall be fully developed and implemented by the expiration date of this Permit.*  
Rewrite the sentence as follows: "The stormwater management program must be fully developed and implemented by the expiration date of this Permit." Forcing Permittees to meet a set schedule makes them liable to third-party lawsuits. Permittees should be allowed to set their own schedules.
5. Lines 24-40 on page 11 and lines 1-31 on page 12: **Delete from the permit.** I believe that Congress defined illicit discharges "as any discharge not composed entirely of stormwater" to provide agencies a method of eliminating any discharge that has a high pollutant load. Use a little discretion. To force Permittees to make something illegal with no enforcement just sets us up for third-party lawsuits.

In the October 2004 Illicit Discharge Detection and Elimination Manual provided by the Environmental Protection Agency, a model illicit discharge and connection ordinance is contained as an appendix. Under Section 8 of this ordinance titled “Discharge Prohibitions,” it reads:

The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.

6. Lines 20-24, page 13: Delete these lines. Permittees object to DOE “pushing down” their responsibility to identify facilities needing NPDES permits. This is not our obligation.
7. Line 29, page 13: Delete this line.
8. Line 40, page 19: Please define what existing flood management projects consist of.
9. Line 17, page 25: Why not wait until the end of the permit term when the program will be fully implemented?
10. Line 35, page 25: How do we determine illicit discharges if no water quality monitoring is done?
11. Lines 5-8, page 26: Remove these lines. If Ecology wants an accounting of the monies spent to implement this program, **FUND** the program. We would be happy to report how your money was spent. Since it is not your money, we fill no obligation to voluntarily provide this information.